

HOUSE BILL 3772

By McCord

AN ACT to amend Tennessee Code Annotated, Title 69,
Chapter 3, relative to water quality control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, is amended by
adding the following as a new, appropriately designated section:

Section ____.

(a) The general assembly finds and adopts as a matter of public policy, the
following statements:

(1) The permitting process under this chapter should be a predictable,
ordinary process for the benefit of the commissioner and permit applicants alike;

(2) As with all governmental regulatory activity, the permitting process
under this chapter should be susceptible to easy public review and scrutiny;

(3) The permitting process under this chapter should afford applicants basic
due process, including notice of application defects, timely review of applications,
and prompt and meaningful administrative and judicial review of permitting
decisions;

(4) The permitting process under this chapter should reflect an
appropriate balance between enforcement of the state's environmental laws and
the rights of persons seeking to comply voluntarily with those same laws, in order
to safeguard our state's environment and develop our state's economy; and

(5) To further these goals, to protect the rights of applicants, and to
promote efficient, effective resolution of permit applications by the commissioner, the
general assembly hereby enacts this Bill of Rights for Permit Applicants under this
chapter.

(b) The commissioner shall afford each applicant for a permit under this chapter the following rights under this Bill of Rights for Permit Applicants:

(1) Permit applicants shall have the right to assistance in understanding regulatory and permit requirements. The commissioner shall designate a permittee's advocate in the department to be available to work directly with applicants who request such assistance;

(2) Permit applicants shall have the right to know the projected fees for review of applications, and how any costs will be determined and billed;

(3) Permit applicants shall have the right to access, on the department's web site, complete and clearly written guidance documents, office of general counsel opinions, and department policies that explain the department's regulatory jurisdiction and requirements. The commissioner shall publish, on the department's web site, a list of all information required in a permit application and the criteria used to determine whether the submitted information is adequate;

(4) Permit applicants shall have the right to timely completeness determinations for their applications. Absent extraordinary circumstances, the commissioner shall notify the applicant within thirty (30) days of any permit application deficiencies, or determine that the application is complete;

(5) Permit applicants shall have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. After an application is accepted as complete, the commissioner may not request any new or additional information that was not specified in the original application;

(6) Permit applicants shall have the right to a timely decision on their permit application. The board shall establish time limits for permit

reviews, which shall not, in any event, extend beyond ninety (90) days from the date of the application;

(7) Permit applicants shall have the right to appeal to the board any permit review time limits that have been violated without good cause. Through this appeal, applicants may obtain a set date for a decision on their permit and, where the board finds good cause, appropriate relief, including, but not limited to, a refund of all application fees; and

(8) Permit applicants shall have the right to know who will be reviewing their application and the time required to complete the full review process.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.